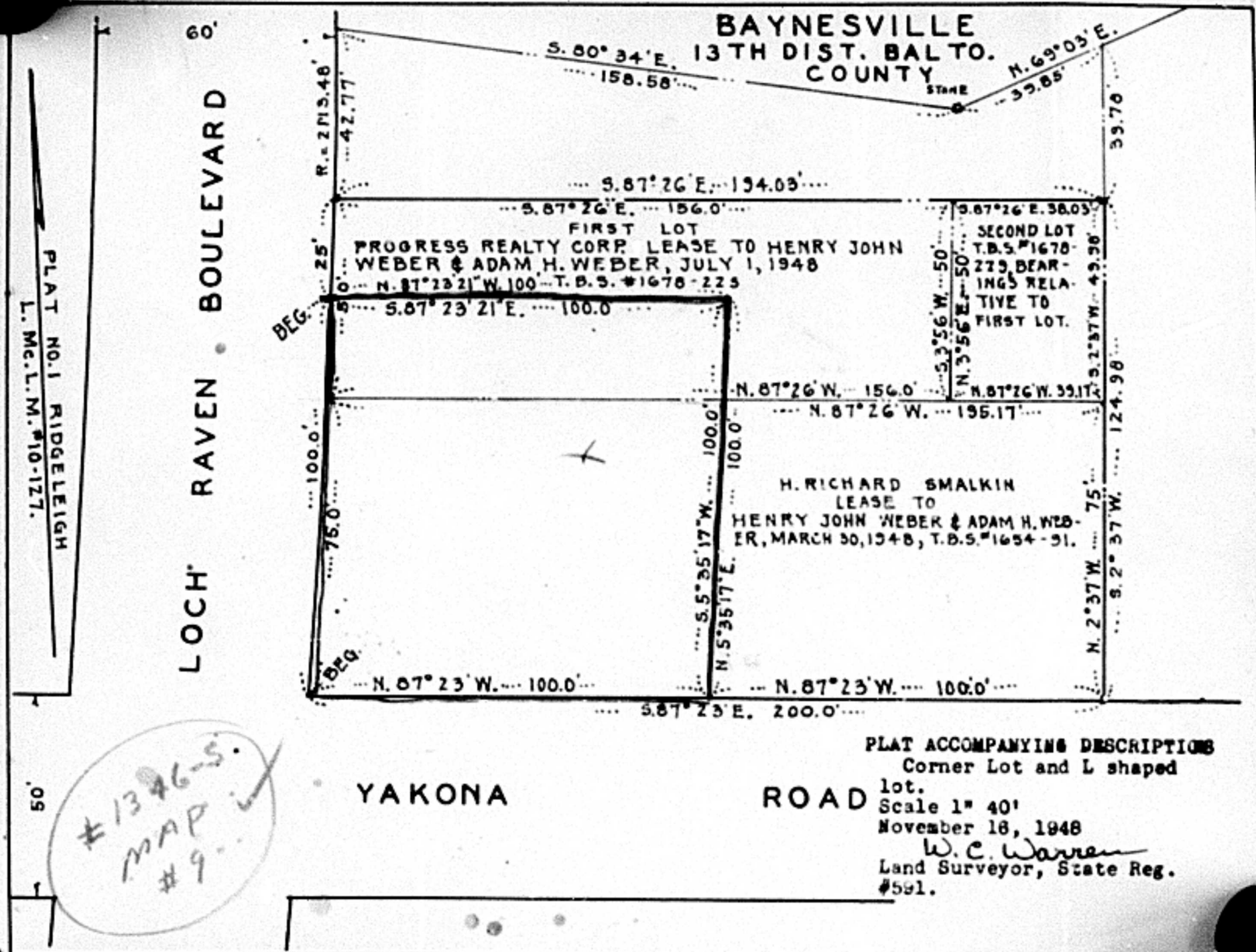

#1346-S.
MAP
#9

PLAT ACCOMPANYING DESCRIPTIONS
Corner Lot and L shaped lot.
Scale 1" 40'
November 18, 1948
W. C. Warren
Land Surveyor, State Reg. #591.

RECD FEB 14 1949 #1346

Mr. Charles H. Doing
Zoning Commissioner
Towson 4, Maryland

Re: Petition for Special Permit
for Gasoline Service Station -
northeast corner Loch Raven Boulevard
and Yakona Road, 9th District,
Henry J. Weber & Adam H. Weber

Mr. Commissioner:

You will please enter an appeal in behalf of Ridgeleigh Community Association to the Board of Zoning Appeals of Baltimore County from your decision of February 8th, 1949 granting the petition filed by Henry J. Weber and Adam H. Weber in the above case and forward the papers to the Board of Zoning Appeals of Baltimore County.

Ridgeleigh Community Association
by Michael Paul Smith
Attorney

Dated this 14th day of February, 1949.

1346-S
#1346-S
MAP #9

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF :
Petition of :
Henry John Weber, :
:
For A Special Permit :

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

To The Zoning Commissioner of Baltimore

Henry J. Weber and Adam H. Weber Legal Owner

Crown Central Petroleum Company Contract Purchaser

hereby petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now or be erected thereon) hereinafter described for

Filling Station

Northeast corner of Loch Raven Boulevard and Yakona Road, 9th Dist. of Balto. Co., binding on the east side of Loch Raven Boulevard north 100' thence S 87° 23' east 100', thence S 2° 36' west 100' to the north side of Yakona Road, thence westerly, on the north side of Yakona Road, 100' to beginning. Property of Henry J. Weber, et al.

Henry John Weber
Adam H. Weber

Crown Central Petroleum Co.
Contract Purchaser

American Building
Address
Baltimore 2, Maryland.

3033 Eastern Ave.
Address

#1346-S
MAP #9

ORDERED by the Zoning Commissioner of Baltimore County this 8th day of December, 1948, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 27th day of December, 1948 at 11:00 o'clock A.m.

Chas. H. Doing
Zoning Commissioner
of Baltimore County

Upon hearing on petition for Special Permit for use of the property described therein for a gasoline service station and after the required advertisement and posting of the property, and public hearing thereon, and it appearing by reason of location, being in a commercial area and that the health, safety, morals and general welfare of the community not be detrimentally affected and thereby no traffic hazard being created, the said petition should be granted, therefore:

It is this 8th day of February, 1949, ORDERED by the Zoning Commissioner of Baltimore County that the aforesaid petition for Special Permit is hereby granted and that the property described therein may be used for Gasoline Service Station on condition that the following provisions be complied with:

That the setback of island for pumps to be not less than fifty two (52) feet from the center line of Loch Raven Boulevard and thirty seven (37) feet from the center line of Yakona Road, thus allowing for an eighty (80) foot street on Loch Raven Boulevard and fifty (50) feet on Yakona Road.

Chas. H. Doing
Zoning Commissioner
of Baltimore County

PETITION FOR ZONING RECLASSIFICATION
#1346-S

...tion - N.E.cor. Loch Raven Blvd. & Yakona Rd., near Reynoldsville, 9th Dist.
...ner - Henry J. Weber
...ate Received - December 8, 1948 Date of Reply - January 24, 1949
Present Zoning - Proposed Zoning - Special Permit for Gasoline Service Station

In connection with this petition, it is recommended that if it be granted, allowance be made to any permanent construction item for an eventual right-of-way of not less than 80 feet and a 40-foot pavement.

Baldwin M. Commodari
Director
Baltimore County Planning Commission

cc: Charles H. Doing
Christian H. Kahl
William W. MacMillan
John M. McFall
John K. Ruff
Nathan L. Smith
H. Ridgely Warfield

#1346-S

February 15, 1949

$22.00

RECEIVED of Michael Paul Smith, Counsel for Ridgeleigh Community Association, appellants, the sum of Twenty Two ($22.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner granting petition for special permit to use the property at the northeast corner of Loch Raven Boulevard and Yakona Road, 9th District of Baltimore County, for gasoline service station.

Zoning Commissioner

Received Feb 15, 1949
P. Lysinger

December 8, 1948

$18.00

RECEIVED of Smelkin & Hessian, Attorneys, for Henry J. Weber, et al, the sum of Eighteen($18.00) Dollars, being cost of petition for special permit, advertising and posting of property, northeast corner of Loch Raven Boulevard and Yakona Road, 9th District of Baltimore County.

Zoning Commissioner

Hearing:
Monday, Dec. 27, 1948
at 11:00 a.m.

PAID
DEC. 8 1948
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY

ZONING DEPARTMENT OF BALTIMORE COUNTY
NOTICE OF HEARING
PETITION FOR SPECIAL PERMIT
9th District

Pursuant to petition filed with the Zoning Commissioner of Baltimore County for SPECIAL PERMIT for the property hereinafter described for Gasoline Service Station, by virtue of the power conferred upon him by the Zoning Act and Regulations of Baltimore County, will hold a public hearing in the Court House, Towson, Baltimore County, Maryland

On Monday, Dec. 27, 1948
at 11:00 o'clock A.M.

at which time or date the Zoning Commissioner will consider whether or not the SPECIAL PERMIT petitioned for should be granted. The property in said petition is particularly described as follows:

All that parcel of land at the northeast corner of Loch Raven Boulevard and Yakona Road, near Reynoldsville, 9th District of Baltimore County, binding on the east side of Loch Raven Boulevard north 100', thence S. 87° 23' east 100', thence S. 2° 36' west 100' to the north side of Yakona Road, thence westerly on the north side of Yakona Road, 100' to the point of beginning. Property of Henry J. Weber, being the same set forth and shown on the Zoning Department.

BY ORDER OF
CHAS. H. DOING,
Zoning Commissioner
of Baltimore County
Dec. 16, 17

1346-S

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 20, 1948

THIS IS TO CERTIFY, That the annexed advertisment was published in THE UNION NEWS, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one successive weeks before the 27th day of December, 1948, the first publication appearing on the 16th day of December, 1948.

The UNION NEWS
W. Fenwick Keyser
Manager.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
1346-S

District 9 Date of Posting Dec 16/48
Posted for: Gasoline Service Station
Petitioner: Henry J. Weber
Location of property: Northeast corner of Loch Raven Boul. & Yakona Road
Location of Signs: Northeast corner of Loch Raven Boul. & Yakona Road
Remarks:
Posted by Harry C. Bartside Date of return: Dec 14/48
Signature

Docket 8 Folio 1336 File No. 5th Docket

RECD JUN 3 1949

JOSEPH E. LAMBERT et al : IN THE CIRCUIT COURT
vs. : FOR
DR. SAMUEL H. HOOVER et al : BALTIMORE COUNTY

Mr. Clerk:

Please enter the above entitled case DISMISSED.

Michael Paul Smith
Attorney for Petitioners

1336

JOSEPH E. LAMBERT :
ROGER G. SWEET :
JAMES PARRIS :
PAUL E. SCANLAN : IN THE CIRCUIT COURT
WILLIAM COVELL :
and RIDGELEIGH COMMUNITY : FOR
ASSOCIATION, INCORPORATED, :
a body corporate : BALTIMORE COUNTY
vs. :
DR. SAMUEL H. HOOVER, :
EARL L. ARGLE and :
CALVIN J. CARTER, constituting :
the Board of Zoning Appeals for :
Baltimore County :

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of Joseph E. Lambert, Roger G. Sweet, James Parris, Paul E. Scanlan, William Covell, and Ridgeleigh Community Association, Incorporated, a body corporate, respectfully shows unto your Honors-

1. That your petitioner, Ridgeleigh Community Association, Incorporated, is an improvement association duly incorporated under the laws of the State of Maryland, for the purpose, among other things, to protect and promote the community known as "Ridgeleigh" and the property owners located therein; that the property of your petitioners, taxpayers and property owners as hereinbefore stated is located in close proximity to the property described in the Order of the Board of Zoning Appeals of Baltimore County under date of April 28, 1949 and described as follows: northeast corner of Loch Raven boulevard and Yakona Road, 9th District of Baltimore County, binding on the east side of Loch Raven Boulevard north 100 feet, thence South 87 degrees 23 minutes east 100 feet, thence South 5 degrees 35 minutes west 100 feet to the north side of Yakona Road and thence westerly, on the north side of Yakona Road, 100 feet to beginning. Being property of Henry J. Weber, et al; on which property a special permit to use the said property for a gasoline service station was by the said Order of the Board of Zoning Appeals of Baltimore County issued and granted.

2. That on the said 28th day of April, 1949 the Defendants herein constituting the Board of Zoning Appeals of Baltimore County passed their Order granting the petition of Henry J. and Adam H. Weber for special permit to use the property above described and in said Order referred to for a gasoline service station subject to the following conditions:

That the setback of island for pumps to be not less than fifty-two (52) feet from the center line of Loch Raven Boulevard and thirty-seven (37) feet from the center line of Yakona Road, thus allowing for an eighty (80) foot stretch on Loch Raven Boulevard and fifty (50) feet on Yakona Road.

3. That the aforesaid Order of the Board of Zoning Appeals of Baltimore County dated April 28, 1949 should be reversed, set aside and annulled by this Honorable Court on the ground that said Order is illegal, in that

(a) That there is no substantial evidence before the Board of Zoning Appeals in the proceedings conducted before it justifying, supporting or warranting said Order of April 28, 1949.

(b) That said Order of the Board of Zoning Appeals of Baltimore County constitutes an arbitrary, capricious act and a gross abuse of administrative authority.

(c) That the health, safety, morals and general welfare of the community will be detrimentally affected by the erection of a gasoline service station on the said property.

(d) That a traffic hazard will be created by the erection of a gasoline service station on said property and the already existing traffic hazards in and adjoining the said property will be greatly increased.

(e) That there already exists in the said community in close proximity to the property for which the said special permit for gasoline service station was granted a considerable number of gasoline service stations and the addition of the one in question in such close proximity to others will detrimentally affect the health, safety, morals and general welfare of the community.

(f) That there was no showing in the testimony before the Board of Zoning Appeals of Baltimore County on which the said Order of April 28, 1949 was allegedly issued showing any community need or requirement for the issuance of the special permit for gasoline service station.

(g) That there exists no valid, and legal law, rule or regulation under which the Board of Zoning Appeals could exercise the power and authority which it attempted to exercise in its Order of April 28, 1949.

And for such other and further reasons as will be shown at the hearing hereof.

WHEREFORE your petitioners pray:

1. That a writ of certiorari be granted by this Honorable Court directed against the Respondents, constituting the Board of Zoning Appeals for Baltimore County, to review the decision and order of said Board of Zoning Appeals of April 28, 1949 in the within proceedings and prescribing therein the time within which a return thereto shall be made and served upon the relator's attorney.

2. That said Board of Zoning Appeals may be required to return to this Honorable Court the original papers acted upon by it or certified or sworn copies thereof, together with a copy of all records in said proceedings and a transcript of all testimony presented before said Board in connection with said proceedings as well as a copy of the Order entered by said Board of Zoning Appeals and a copy of any and all rules and regulations pursuant to which said Order was entered and said Board purported to act.

3. That this Honorable Court permit your petitioners to take such other and further testimony as may be necessary for the proper disposition of this matter.

4. That this Honorable Court reverse, set aside, annul and declare void and of no effect the order and decision of the Board of Zoning Appeals for Baltimore County dated April 28, 1949 in attempting to grant for gasoline service station the special permit for the property situate at the northeast corner Loch Raven Boulevard and Yakona Road.

5. And for such other and further relief as the exigencies of the cause may require.

Attorney for Petitioners

ORDER

Upon the aforegoing petition and affidavit, it is Ordered by the Circuit Court for Baltimore County this 3rd day of May, 1949, that a Writ of Certiorari issue directed to Dr. Samuel H. Hoover, Earle L. D'Agle, and Calvin J. Carter, constituting the Board of Zoning Appeals for Baltimore County to review the decision and order of said Board of Zoning Appeals dated April 28, 1949, and requiring it to return to this Court all papers, records and proceedings in said matter and a transcript of all testimony presented before said Board in connection with said proceedings and a copy of any and all rules and regulations pursuant to which said order was entered by said Board acted, to enable this Court to review said order and decision of the Board and that a return to this petition shall be made and served upon relator's attorney within fifteen days from the date of this Order

And it is further ORDERED that said Board of Zoning Appeals for Baltimore County shall return to this Court all the original papers or certified or sworn copies thereof and the return shall set forth such other facts as may be pertinent to show the grounds of the decision and order appealed from:

And it is further ORDERED that said Board of Zoning Appeals for Baltimore County show cause on or before the 14th day of June, 1949, why the relief prayed in the aforegoing petition should not be granted, provided a copy of the within petition, affidavit and this Order be served on Dr. Samuel H. Hoover, Earle L. Dagle and Calvin J. Carter, constituting the Board of Zoning Appeals for Baltimore County on or before the 7th day of June 1949.

John B. Gontrum
Judge

#1346-S
MAP #7

RE: PETITION FOR SPECIAL PERMIT FOR GASOLINE SERVICE STATION - N. E. COR. LOCH RAVEN BOULEVARD AND YAKONA ROAD, 9th District - HENRY J. WEBER & ADAM H. WEBER, PETITIONERS

The appeal in the above case having come on for hearing before this Board; testimony having been taken, counsel heard for the respective parties and the entire matter having been fully considered:

It is this 28th day of April, 1949, by the Board of Zoning Appeals of Baltimore County, ORDERED that the petition filed in the above case by Henry J. and Adam H. Weber for special permit to use the property described in the petition for gasoline service station, be and the same is hereby granted, subject to the following conditions:

That the setback of island for pumps to be not less than fifty two (52) feet from the center line of Loch Raven Boulevard and thirty seven (37) from the center line of Yakona Road, thus allowing for an eighty (80) foot stretch on Loch Raven Boulevard and fifty (50) feet on Yakona Road.

Earle L. D'Agle
Calvin J. Carter
Board of Zoning Appeals
of Baltimore County

#1346-S
MAP #7

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

The case under consideration is an appeal by the protestants, through counsel, from an Order of the Zoning Commissioner of Baltimore County, dated February 8, 1949, granting the petition for special permit for gasoline service station, subject to the following conditions:

That the setback of island for pumps to be not less than fifty two (52) feet fromthe center line of Loch Raven Boulevard and thirty seven (37) feet from the center line of Yakona Road, thus allowing for an eighty (80) foot stretch on Loch Raven Boulevard and fifty (50) feet on Yakona Road.

The property described in this petition is described as follows:

Northeast corner of Loch Raven Boulevard and Yakona Road, 9th District of Baltimore County, binding on the east side of Loch Raven Boulevard north 100 feet, thence South 87 degrees 23 minutes east 100 feet, thence South 5 degrees 35 minutes west 100 feet to the north side of Yakona Road and thence westerly, on the north side of Yakona Road, 100 feet to beginning. Being property of Henry J. Weber, et al.

After the hearing on this case the Zoning Commissioner found that the location concerned, being in a commercial zone; that the health, safety, morals and general welfare of the community will not be detrimentally affected and no traffic hazard will be created, the Commissioner accordingly passed his Order of February 8, 1949 granting the petition for special permit for gasoline service station, subject to the conditions as set forth in the said Order of the Commissioner.

An appeal was entered to this Board by counsel for the protestants in the order for appeal. The case came on for hearing, witnesses were heard and counsel for the respective parties argued the matter fully.

The Board feels that the granting of a special permit applied for will not create congestion in the roads, streets and alleys, will not create a fire hazard and, further, that the health, safety, morals and general welfare of the community will not be adversely affected by the granting of the petition.

This Board has accordingly decided that the Order of the Zoning Commissioner, dated February 8, 1949, will be affirmed and special permit granted for gasoline service station subject to the aforesaid conditions.

Earle L. D'Agle
Calvin J. Carter
Board of Zoning Appeals
of Baltimore County